



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 4348-99

12 May 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) BUPERSINST 1900.8

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Naval Reserve, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show a more favorable reenlistment code than the RE-4 reenlistment code assigned on 29 December 1993.

2. The Board, consisting of Mr. Zsalman, Mr. Geisler, and Mr. Beckett, reviewed Petitioner's allegations of error and injustice on 10 May 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 9 August 1991 at age 19. He reported to active duty on 11 February 1992 for a two year period of active duty. At the time of his enlistment he had completed twelve years of formal education.

d. On 29 December 1993 he was honorably separated and transferred to the inactive Naval Reserve. At that time he was

assigned a reenlistment code of RE-4. During this period Petitioner was not the subject of any disciplinary action. On 8 August 1999 he was honorably discharged from the Naval Reserve but not recommended for reenlistment.

e. Reference (b) states that an individual who is separated at the expiration of active obligated service and not recommended for reenlistment, will be assigned an RE-4 reenlistment code. An RE-7 reenlistment code is normally assigned to a Naval Reservist completing a two year period of active duty.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes that Petitioner had no disciplinary action and that reference (b) allows for RE-7. Therefore, the Board concludes that the assignment of an RE-4 reenlistment code was improper. Accordingly, Petitioner's reenlistment code should be changed to RE-7. Additionally, he should be recommended for reenlistment on his discharge of 8 August 1999.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 29 December 1993, to RE-7.

b. That the record be further corrected by changing the "not recommended for reenlistment" assigned on the discharge of 8 August 1999 to "recommended for reenlistment".

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



for W. DEAN PFEIFFER
Executive Director